

DCFS Weekly Update From the State Office

Friday, January 26, 2001

From My Perspective

By Ken Patterson

This week the Legislative Auditor's Office delivered to the Legislation the result of the Adoption Assistance Audit. While the audit was critical of some the fiscal control that the Division exercised over Adoption Subsidies, the auditor found that adoptive children were well served by the Adoption Assistance Program. A key feature of the audit was the results of a survey done of adoptive families who received adoption assistance during fiscal year 2000. Here are the findings:

- 85% of people who responded had fostered a child before adopting.
- 88% stated they felt no pressure from DCFS to adopt the foster child.
- 60% rated their overall adoption experience with DCFS as good or very good.
- 67% indicated that the child's background was reviewed with them and they had opportunity to review the child's file.
- Only 14% said their adoption subsidy payment had ever been changed, and an equal number reported upward adjustments as those who reported downward adjustments.
- Overall the survey of adoptive parents suggested that DCFS is doing a good job.

Attached is my formal response to the audit. You can find the complete audit report on the Auditor General's web site under Utah State Government.

Legislative Update

By Linda Wininger

It appears that a group of you would like to know more about what is going on at the Legislature that may affect child welfare. In the Weekly Update Survey, legislative information was the number one request for articles in the Weekly Update. I hope what I write is what you all want! If it isn't, please let me know what you DO want and I'll make sure I include it in the next update.

Today was the last day for Legislators to open bill files without going through a lot of extra work. Right now there are bills in two categories. The first are bills that have open files with short titles and no text. These bills may be in the process of being written or they may never have text and will simply fade away. The second category is bills that are now traveling through the legislative process. This process includes debate on both the House and Senate floor and being presented to both a House and a Senate committee. Bills must be passed by both the House and the Senate and then signed by the Governor before they become law.

Here are the bills that we are currently following and how they may impact our practice:

HB 31, Child Welfare Oversight Panel Amendments—Representative Trisha Beck. This bill amends the duties of the Child Welfare Legislative Oversight Panel and makes technical changes. It requires the judicial and executive branches of the government,

which would specifically include the juvenile courts and the Division, to report to them on their compliance with the time limits for permanency and budget issues.

This bill passed the House unanimously and has been read on the Senate floor and sent to the Senate Health and Human Services Committee. It is expected that it will pass and become law.

HB 33, Clarification of Time Limits for Reunification Services—Representative Matt Throckmorton. This bill makes the law regarding the length of time that young children can remain in foster care clearer. The bill specifies that those children 36 months or younger must have a permanency hearing within eight months of the initial removal. Permanency hearings must be scheduled at the adjudication hearing.

This bill is currently in the Senate after having passed the House. It is on the Senate third reading calendar, the last step in the Legislature. It looks pretty likely that it will pass and become law.

HB 64, Tuition Waiver for Wards of the State—Representative Richard Siddoway. This bill is one that was carried over from last year's session. It gives tuition waivers to children who age out of the foster care system.

This bill is on the House third reading calendar.

HB 83, Child Welfare Amendments—Representative Wayne Harper. This bill does several things. First, it includes a requirement for the Division to maintain a separation of child abuse reports that are unsubstantiated from those that are without merit. Second, it seeks to reduce the time that an unsubstantiated report remains on the database from 10 years to five years. Third, it prevents the removal of another child in the home unless that child has also been deemed to be at significant risk. Fourth, it requires the court to provide for reasonable visitation unless it is found to be not in the child's best interest.

The House Health and Human Services Committee on a divided vote approved this bill. There was some debate as to the advisability of reducing the time that unsubstantiated investigations remain on the database, and there was a motion made for an amendment but the vote did not carry so the bill was not amended back to the original 10 years. The bill will be presented again on the House floor for the third reading and will be open for debate. Representative Trisha Beck informed us that she will again propose an amendment to the bill that will keep the number of years to 10. It may or may not be changed depending on the vote of the House.

I'm not sure whether or not this bill will go all the way and if it does, whether or not it will look anything like the original bill that Representative Harper started with. If it does pass as it is written now, it will affect practice in the review of prior history (it won't take you so long to do it) and perhaps a little bit in any sibling at-risk removals, but not much. It will also affect visitation. Denying visitation as a punitive measure will not be allowed. Visitation will be based solely on the best interests of the child.

HB 117, Amending the Grounds for Taking a Child into Protective Services—Representative Thomas Hatch. This bill requires a court ordered warrant to take a child into protective custody except in exigent circumstances. In other words, a child's physical health or safety must be in substantial danger or the CPS worker or police

officer must get a court ordered warrant to remove the child. Removal of a child cannot be motivated purely by the intent to obtain evidence unrelated to the allegation of abuse or neglect.

This bill was just numbered in the last day or two. It has been read for the first time on the House floor and is in the rules committee where it will be assigned to a standing committee.

If it passes it could change some of the removals for abuse that do not place a child in eminent danger to their physical health or safety.

HB 188, Juvenile Courts—Rights of the Parties—Representative Mike Thompson. This bill allows attorneys who are representing clients in juvenile court proceedings against DCFS to show the records they obtain from DCFS to their clients.

This bill has been read on the House floor for the first time. It is now in the House Rules Committee where it will be assigned to a committee. It will not change the way we do business should it pass.

HB 219, Task Force on Family Conflict Resolution—Representative LaMonte Tyler. This bill provides for a task force to study and make recommendations on the following issues: availability of support services from private or public sources for families involved in divorce or conflicts, including options other than divorce; the status of all Utah statutes, programs, and policies that either alleviate or accentuate the negative impact of divorce or conflict on children; the stateside availability of family issue education and the legitimate role of state government in these matters; and potential funding sources for educational and counseling programs.

The House Judiciary Committee is hearing this bill on Friday morning. No changes in our practice are anticipated as a result of the passage of this bill.

WHEW!! I've decided to update you on just the House bills this issue and will tackle the Senate bills in the next. Otherwise this article will be way too long!! We have four to go.

HB 224, Notice and Reasonable Efforts for Children in Custody on Grounds Other than Abuse or Neglect—Representative Matt Throckmorton. This is a bill that we originated and then asked for Representative Throckmorton to sponsor for us. It requires the court to give us five days notice before putting a child in DCFS custody on grounds other than abuse or neglect. It also requires the court to make a finding that "reasonable efforts" including family preservation have been attempted to prevent the minor's removal from the family.

This bill has passed out of the House committee (Health and Human Services) with a favorable recommendation. It is now on the House third reading calendar. If this bill passes it will not change DCFS practice. It will just help to assure federal funding in these cases and better prepare for these children's care.

HB 225, Foster Parent Child Protection Service Investigation Amendments—Matt Throckmorton. This bill would allow DCFS to contract with an outside entity to conduct Conflict of Interest investigations. It is one of our bills. This bill has been put on hold and was just heard before the House Health and Human Services Committee

Thursday afternoon. It was amended in committee and passed with a favorable recommendation. It will now be read on the House floor for the third time. There will be no change in practice if this bill passes.

HB 232, Certified Child Welfare Social Service Worker Amendments—

Representative Matt Throckmorton. This bill would create a certified child welfare social worker after they have met certain requirements including core training, along with the attainment of a degree (Bachelor, Master's or Doctoral) in social work. It requires the Department to determine a pay plan through a classification plan and performing a market comparability study of surrounding states.

This is NOT one of the Department approved bills. It has had quite broad support from both parties in the House. When this bill was presented at the House Health and Human Services Committee it was passed out of that committee with a favorable recommendation and a unanimous vote. It is now on the House third reading calendar. There is no telling what effect this bill will have on our work.

HB 257, Mandatory Child Protection Service Requirements—Representative Matt Throckmorton. This is one of our bills. It removes the language that was added last year that specified tasks in an investigation as “pre” and “post” removal. It requires workers to perform each requirement for investigations whether or not the child is removed. One of the changes will allow CPS workers to use investigations of police officers’ taped interviews if they meet the criteria for our own interviews. This was a change negated last year by the addition of the “pre” and “post” language that was added.

This bill is on the agenda for the House Health and Human Services Committee.

ALL DONE! If you have any questions, I would be happy to answer e-mails. I will also try to update you weekly throughout the legislative session.

Prognosis in Child Welfare

By Richard Anderson

Making a prognosis in child welfare has always seemed a bit risky. Predicting future behavior and its potential impact on the safety of a child is often extremely difficult. Even so, it is a required part of our work. It is fairly common to hear us say, “I don’t have a crystal ball,” or “I wish I had a crystal ball.” Our research base for predicting is inadequate. For this reason, a group of child welfare professionals and related field specialists have been pulled together to explore prognosis in child welfare. I have been asked to participate.

We do use some consistent predictors that lead us to a good guess as to which future events are more likely to occur. We also have state and federal laws in support of certain future predictions of high risk for parents who have acted in extreme ways. What we do not know is the validity and reliability of these predictions.

As our group discussed the use of prognoses in child welfare, it was clear that there is extreme interest in finding ways of decision-making supported by research about known predictors of future parental success or failure in keeping children safe. Many states have lists of poor prognosis and good prognosis items to determine what course services should take, Utah included (mostly in risk assessment—not as much in

ongoing services). The problem is that none of them have a strong enough research base to be upheld when challenged on accuracy in prediction. Of course, this does not mean that they may not be good guides for practice.

In the absence of clarity and validity in predicting future behavior, we are often forced to use other measures of success or failure of the parents. For example, assessing compliance with the service plan or cooperation with the caseworker, as contrasted with an actual demonstration of parental skills that show positive change, ensuring safety for the child. Sometimes the two do not match each other all that closely. We must somehow become able to observe, interpret, and predict good parenting skills.

Our neighboring state of Colorado has developed indicators of good prognoses for early reunification and strengths that lead to good outcomes for families. Their work was based on the Lutheran Social Services concurrent-planning model. Here are some of the items they use for judging prognoses of early reunification and strengths that lead to good outcomes for families from the perspective of the parent-child relationship.

- Parent shows empathy and concern for child.
- Parent responds positively and supportively to the child's verbal and non-verbal signals.
- Parent shows the ability to put the child's needs ahead of his/her own.
- When they are together, child shows comfort in parent's presence.
- The parent has raised the child for a significant period.
- In the past, the parent has met the child's basic physical and emotional needs.
- Parent accepts some responsibility for the problems that brought the child into care or the attention of authorities.

This example shows a listing of what we would predict would be a safe relationship between parent and child. The work of determining the value of prognosis in child welfare is a valuable investment. Our own practice model training is focusing on the skills that assist us in this endeavor. The next skill training on the practice model to be provided to all of us is *functional assessment*. Functional assessment is the foundation on which prognosis and service planning/evaluation rely. The optimal influence of the assessment could be families' understanding and accepting prognoses that are reliable and then making effective adaptations in future actions. If there is no effective "crystal ball", we must rely on greater understanding of those with whom we work, and assist them, as possible, in their increased comprehension of themselves. I think we can predict an increasing ability in all of us to find the strengths and needs of families and effectively intervene. We often do a good job of this now. It will be great if we can make this even more consistently successful. Please send me your thoughts on prognosis in child welfare. I will be officially involved in this project for the next several months and will keep you updated. Thanks for listening (or reading)!

To Make Your Life Easier...Using SAFE Optimally

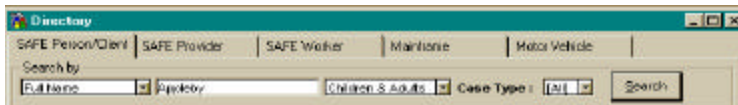
By Robert Lewis

Tips on Searching for Clients in SAFE

Somewhere in the black void of SAFE cyberspace is an increasing accumulation of duplicate client records. It appears many workers are adding clients to the database

without checking SAFE or the Mainframe tab thoroughly. Here are some tips to help eliminate duplication:

1. When typing in the name, type in the last name and a few letters of the first name.



2. Make sure you search under all different possible spellings; for example, Jeff, Jeffrey (ery), Geoff, etc. Also, search under all possible last names, such as various parent and sibling's names, and so on.
3. Check the "Related to" box in the lower right-hand corner of Directory to compare and match relationships to the client you are searching on.7

Relation		Name
Mother	of	Appleby, Sherry K
Mother	of	Appleby, Mercedes J

4. If a person is in SAFE without a client id, you still need to search in the Mainframe tab to see if there is a record with a client id. Then the name with a client id can be copied to the SAFE directory.



Note: Whatever name or information you have typed in the SAFE Person/Client field in directory will pull into the Mainframe and you can then just hit "Enter."

5. When creating persons, **do NOT use apostrophes**. Type *ODell* instead of *O'Dell*.
6. In the Mainframe you can search on the parents by typing in last name, and a few letters of the first name. Click on the PACMIS button if there is history and it will display the family group. You can then compare family information and maybe find more data to continue or finish your search.





DIVISION OF
Child & Family Services

January 23, 2001

Mr. Wayne Welsh, CPA
Auditor General
Office of the Legislative Auditor General
130 State Capitol
P.O. Box 140151
Salt Lake City, Utah 84114-0151

Re: Report No. 2001-03

Dear Mr. Welsh,

Thank you for the opportunity to provide the agency response to A Performance Audit of Utah's Adoption Assistance Program. Once again we found your staff to be professional and diligent in working toward understanding the complexities of Child Welfare services and their connection to adoption assistance. We experienced open communication during the audit process. Your staff created and utilized survey and interview tools that helped explore and answer key questions. The results of the audit and in particular the survey will assist DCFS in improving our practices.

The Division acknowledges the audit findings that suggest improved fiscal controls and improved consistency in pre-adoption disclosure and post-adoption assistance determination. The Division's support of Senate Bills 97 and 33, now under legislative consideration, signify our commitment to provide additional structure and guidance to adoption assistance in Utah.

The Division also welcomes the audit recommendation to establish a system of post-adoption supports. Current post adoption supports are minimal and vary from region to region. The Governor has again recommended funding a program of post adoption supports for the state fiscal year 2002 budget.

We offer these additional observations and comments on the report.

Survey Results Significant

When the Division of Child and Family Services reached a fiscal impasse regarding the future funding of adoption assistance in the spring of 2000, we first informed all legislators and then adoptive parents via letter. Calls to legislators from worried adoptive parents were the primary catalyst for this audit. The survey initiated by the auditors sought to find the true nature of several



fairness questions. The survey was sent to 1,124 families who received adoption assistance during state fiscal year 2000. About 47% responded. It is widely assumed that those families with the strongest concerns were more likely to respond.

The survey found that more than 60% of respondents rated their adoption experience with DCFS as "good" or "very good" while 11% rated the experience as "poor". The survey also found that adoption assistance was just as likely to be increased as it was to be decreased, with the vast majority (86%) reporting that their assistance had remained unchanged. Additionally, two-thirds reported that they were given adequate information prior to adopting and did have the opportunity to review the child's file.

In many ways the adoptive parents responding to the survey were quite knowledgeable about the child they were adopting. Eighty-five per cent indicated that they had fostered the child they adopted. Their pre-adoption fostering averaged 13.3 months. Legislators also wanted to know if families had been pressured to adopt. The survey found that 88% reported no pressure and the auditors could not confirm agency pressure from the remainder of the survey sample.

The Division of Child and Family Services believes that the survey confirms viability of the adoption services we provide.

National Comparative Data Shows Utah Does Adoptions Faster

The U.S. Department of Human Services is required by the 1997 Adoption and Safe Families Act to issue comparative data on how states perform on a variety of adoption and child welfare practices. One key measure is how long it takes public child welfare agencies to complete adoption, if the child cannot be returned to parents or relatives. The measurement is the number of months a child is in custody from the time they are removed from their home until the adoption is legally finalized.

The federal report, issued in August of 2000, finds that Utah DCFS completes 82% of its adoptions in 35 months or less, while nationally only 32% of adoptions are completed in 35 months or less. Nationally, half of all adoptions take four years or longer to complete. In Utah only 6% of all adoptions take more than four years.

The "permanency hearing" provisions of Utah's Child Welfare Reform Act of 1994 and DCFS social worker performance clearly cause this process to move more rapidly than is the national norm, thus contributing to the rapid program growth. This performance has also caused the number of children in foster care to remain level and even decline slightly in the past year.

Changes in Administration in Salt Lake

The audit accurately portrays that costs for both monthly adoption assistance and supplemental adoption assistance have been higher in Salt Lake County. In January of 2000 the regional director responsible for adoption assistance was replaced. In October of 2000 the three administrative regions for the Salt Lake area, established in 1996, were merged into a single region and renamed the Salt Lake Valley Region. The new regional director instituted several fiscal and adoption assistance review policies that have had a direct and immediate effect. Authorization to negotiate and approve both monthly and supplemental assistance has been organizationally located separate from staff who approve the adoptive placements.

The Salt Lake Valley Region has completed 99 adoptions since July of 2000. Seventy of those adoptive families have received monthly adoption assistance. The average of the monthly subsidies is \$245. This rate compares to the FY 2000 average of \$301 per month for Salt Lake and \$273 statewide.

In the Supplemental Assistance category the Salt Lake Valley region has taken significant steps toward assisting adoptive parents in using their Medicaid eligibility to pay for behavioral health services. Consequently only one supplemental needs payment in excess of \$2,000 has been made by the region on the adoptions made after July 1, 2000.

Title IV-E Eligibility Rate Dramatically Improved

The audit places some focus on the importance of determining eligibility for Title IV-E funding early and accurately. IV-E eligibility must be determined based on the factors that exist at the time the child is removed from his home. Court findings and the specific language used in the court order are important. From 1994 to 1997 DCFS preoccupation with the "David C." lawsuit caused inattention to IV-E eligibility processes. Subsequently the number of children found eligible dropped to around 30%. In 1998 the DCFS state office initiated a project to retrain eligibility staff and focus on the documentation that supports eligibility determination. Today 55% of the children in foster care are now IV-E eligible.

Many of the children who are now in adoptive homes came into care during the mid 90's and subsequently a lower portion of them are IV-E eligible. It can be anticipated that the foster children who may be adopted in the future will have a higher IV-E eligibility rate, thus slightly shifting the financing of adoption assistance from state general funds to federal participation.

Chapter III Recommendations

The Division accepts the recommendations of chapter III of the audit and observes that the content of Senate Bill 97 and Senate Bill 33 will provide much of the basis for the program improvements and clarifications suggested.

In May and June of last year the Division Director issued written instructions to Regional Directors regarding overall budget management and specific controls of adoption assistance payments. Those instructions remain in place pending the outcome of both legislation and adoption assistance funding from the 2001 legislature. It should be noted that these fiscal oversights initiated by the Division created a balanced budget for DCFS at the close of state fiscal year 2000.

The Need for a Post Adoption Support Program

The audit report states, "the Division's job does not end after the adoption takes place". We agree. Chapter IV, page 51 outlines the case for improved post adoption supports. The Division has recognized this as a gap in its adoption services for several years, however previous building block requests have not been successful. In some ways, the high spending on supplemental assistance in the Salt Lake area may be attributed to social workers trying to create support systems through payments, when adoptive parents were actually seeking for more contact with understanding people.

The National Council of Juvenile and Family Court Judges has recently issued its "best practices" analysis on adoption. They recommend a broad range of post adoption supports that are similar to the services discussed on page 52 and 53. It can be anticipated that the Juvenile Court Judges in Utah will expect contemporary practices from DCFS or other agencies that provide post adoption services. We urge legislative support of the Governor's recommended building block as a starting point for post adoption supports.

Thank you for the opportunity to comment on this important work.

Yours truly,

Ken Patterson, M.S.W.
Director

cc: Robin Arnold-Williams, Executive Director
Utah Department of Human Services